

Read Appeal of Denial of Natural Resources Protection Act Permit for
Residential Pier

- Maine Department of Inland Fisheries and Wildlife Review
Comments from Department Record

Lentine-Eggett, Maria

From: Walker, Steve
Sent: Wednesday, January 02, 2013 9:26 AM
To: Lentine-Eggett, Maria
Subject: RE: Read

Maria: What is the DEP project number for this one? And what are the chances that the applicant could minimize length? As proposed the structure would completely bisect the existing SWH. We would favor a shorter length to allow some of the mudflat uncrossed by structure at lower tides. Formal comments coming.

SW

From: Lentine-Eggett, Maria
Sent: Wednesday, January 02, 2013 7:28 AM
To: Walker, Steve
Cc: Bard, Richard
Subject: Read

Hi Steve,
Could you please let me know when you think you will have comments on the Read project in Castine?
Hope you had a good Christmas!
Maria

Environmental Specialist
Department of Environmental Protection
(207) 941-4570/(207) 446-7120

Lentine-Eggett, Maria

From: Walker, Steve
Sent: Wednesday, January 09, 2013 9:31 AM
To: Lentine-Eggett, Maria
Subject: RE: Read

Yes.

From: Lentine-Eggett, Maria
Sent: Wednesday, January 09, 2013 9:31 AM
To: Walker, Steve
Subject: RE: Read

Steve,
Is the currently proposed fixed length agreeable to you?
Thanks!

From: Walker, Steve
Sent: Wednesday, January 09, 2013 9:30 AM
To: Lentine-Eggett, Maria
Cc: Bard, Richard
Subject: RE: Read

Maria: Given that this project represents the first permanent pier structure in a very tidal cove with mapped SWH our typical response would be to deny or require that the structure remain temporary/seasonal. In this case, the proposed structure is to be located at the edge of the SWH in a relatively narrow portion. Other temporary/seasonal structures are in the same general area as the proposed permanent structure so some degree of seasonal habitat fragmentation has already occurred. It is our opinion that a reasonable compromise that both minimizes further fragmentation of the SWH and enhances the landowners access would be a fixed pier of the length proposed with a *single* float of the size currently used at the site. This design would increase tidal availability, but would not entirely bisect the SWH.
SW

From: Lentine-Eggett, Maria
Sent: Wednesday, January 02, 2013 10:51 AM
To: Walker, Steve
Cc: Bard, Richard
Subject: RE: Read

Thank you for the comments. Do you have any specific length you'd like to see the structure shortened to?

From: Walker, Steve
Sent: Wednesday, January 02, 2013 10:49 AM
To: Lentine-Eggett, Maria
Cc: Bard, Richard
Subject: RE: Read

Maria: See attached.
SW

From: Lentine-Eggett, Maria
Sent: Wednesday, January 02, 2013 7:28 AM

To: Walker, Steve
Cc: Bard, Richard
Subject: Read

Hi Steve,

Could you please let me know when you think you will have comments on the Read project in Castine?

Hope you had a good Christmas!

Maria

Environmental Specialist
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Comments - Environmental Permit Review	
Maine Department of Inland Fisheries and Wildlife	
Inland Fisheries and Wildlife Division Comments	
Region C	
Applicant's Name: Richard and Margery Read	
Project #: L-25839-4P-A-N	Regulatory Agency: DEP
Project Type: Residential Pier, Ramp and Float	Project Manager: Maria Lentine-Eggett
Comments Due Date:	Date Comments Sent:
Project Location	
Town: Castine	County: Hancock
Waterbody: Hatch Cove	
MDIFW Biologist(s): Richard Bard, Steve Walker	

After review of the application and consideration of the proposal's probable effect on the environment, and on our agencies programs and responsibilities, we provide the following comments:

I. Project Description/Resource Affected:

The applicant proposes to construct a 3-foot by 16-foot wooden ramp to access a proposed 6-foot by 100-foot steel and wood permanent pier. At the seaward end of the pier, the applicant proposes a second 3-foot by 16-foot seasonal ramp to access a string of six seasonal 6-foot by 16-foot floats. The overall length of the proposed structure is greater than 200-feet. The structure will cross a narrow band of fringing salt marsh vegetation, and considerable intertidal mudflat habitat to the low water line. The proposed pier will cross mapped high value Tidal Waterfowl and Wadingbird Habitat, and Shorebird Feeding Habitat, both are regulated Significant Wildlife Habitat features. This tidal cove currently includes 3 or 4 existing residential docks each of which is seasonal and significantly shorter than the applicant's proposal. The proposed structure will approximately double the distance that existing structures currently extend into mapped Significant Wildlife Habitats within this cove and represent the first permanent pier.

II. Comments/Recommended Considerations or Conditions:

Wildlife Considerations:

The cove associated with this project was initially mapped by our Department as a coastal wildlife concentration area in 1983, since that time we have refined regional assessments of tidal habitats, but have maintained the Significant Wildlife Habitat designations in this location. Hatch Cove supports the only mapped Significant Shorebird Habitat in Castine, and one of the largest and least fragmented Tidal Waterfowl and Wadingbird Habitats.

Our Department utilizes a decision matrix to internally score the impact that a proposed structure is likely to have on mapped Significant Wildlife Habitat. This matrix utilizes peer reviewed literature regarding disturbance tolerance of species of concern, as well as other

factors associated with habitat fragmentation to score likely impacts associated with a project. Given that this pier proposal extends more than 3/4 of the distance between high and low water, thereby bisecting the available intertidal mudflat, the matrix would categorize the project as having a strong impact on the associated Significant Wildlife Habitat. While we do not have adequate observational data regarding this specific cove to state that bird use will be severely impacted by the project, we do anticipate that a project of this size will alter feeding behaviors and further degrade the value of this Significant Wildlife Habitat.

We strongly recommend that the applicant further reduce the length of this pier to minimize fragmentation of the Significant Wildlife Habitat. A shorter pier with a single float will improve access to the applicant's mooring in this very tidal cove while reducing impacts to local wildlife resources.

Fisheries Considerations:

There are no inland fisheries concerns.

Beyer, Jim R

From: Lentine-Eggett, Maria
Sent: Friday, February 01, 2013 11:29 AM
To: Beyer, Jim R; Bergeron, Mark; Mullen, Mike
Subject: FW: Read Pier L-25839-4P-A-N

From: Walker, Steve
Sent: Friday, February 01, 2013 11:27 AM
To: Lentine-Eggett, Maria
Subject: Read Pier L-25839-4P-A-N

Maria:

As a result of discussions regarding the Read Pier proposal (L-25839-4P-A-N) we revisited the mapped TWWH to verify its current mapped status as high value. This re-assessment confirmed our initial determination especially given the fringing marsh component of the TWWH that was not originally included in our previous assessment. The Read proposal would extend more than 200-feet of structure across this high value Significant Wildlife Habitat, bisecting the primary shorebird and waterfowl feeding areas at low tide during the boating season, and significantly intrude into the Significant Wildlife Habitat during the winter months when the area is primarily used by wintering waterfowl. We typically recommend denial of permanent structures in high value Significant Wildlife Habitats where no permanent structures exist, or where the proposed structure extends significantly further into the resource than existing permanent structures. These recommendations are based on documented avoidance behaviors of several priority species utilizing Significant Wildlife Habitats. Any permanent structure within this cove has the potential to impact wintering waterfowl use that our Department has documented as significant since 1983.

Steve Walker
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